

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Golden Polar Bear, LLC, et al.,

Plaintiffs,

v.

Franchoice, Inc., et al.,

Defendants.

Case No. 19-cv-484 MJD/ECW

ORDER

Based upon the Report and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated December 19, 2019, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated December 19, 2019 [Docket No. 59].
2. Defendants' Motion for Partial Dismissal Pursuant to Rule 12(b)(6) [Docket No. 25] is **GRANTED** in part and **DENIED** in part as follows:
 - a. Defendants' Motion for Partial Dismissal Pursuant to Rule 12(b)(6) is **GRANTED** as to Plaintiffs' claim under the Colorado Consumer Protection Act, and the claim is **DISMISSED WITHOUT PREJUDICE**; and
 - b. Defendants' Motion for Partial Dismissal Pursuant to Rule 12(b)(6) is **DENIED** as to Plaintiffs' claim under the New York Franchise Sales Act.

Dated: January 16, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court